Minute No. 428
Report – Executive Policy Committee – June 29, 2016

Item No. 1 Subdivision and Rezoning – 25 and 55 Rothwell Road (Charleswood-Tuxedo-Whyte Ridge Ward) File DASZ 15/2016

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 15/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2016 dated May 20, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2016 dated May 20, 2016 to an "M2" Manufacturing General District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, lighting, landscaping, bicycle parking and free-standing signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report – Executive Policy Committee – June 29, 2016

COUNCIL DECISION (continued):

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension.'

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

12. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

Report – Executive Policy Committee – June 29, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 29, 2016, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2016, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning - 25 and 55 Rothwell Road**
File DASZ 15/2016

For submission to: **Executive Policy Committee**

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **June 8, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2016, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 15/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2016 dated May 20, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2016 dated May 20, 2016 to an "M2" Manufacturing General District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, lighting, landscaping, bicycle parking and free-standing signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension.'

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

12. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 20, 2016.

PUBLIC HEARING SUMMARY

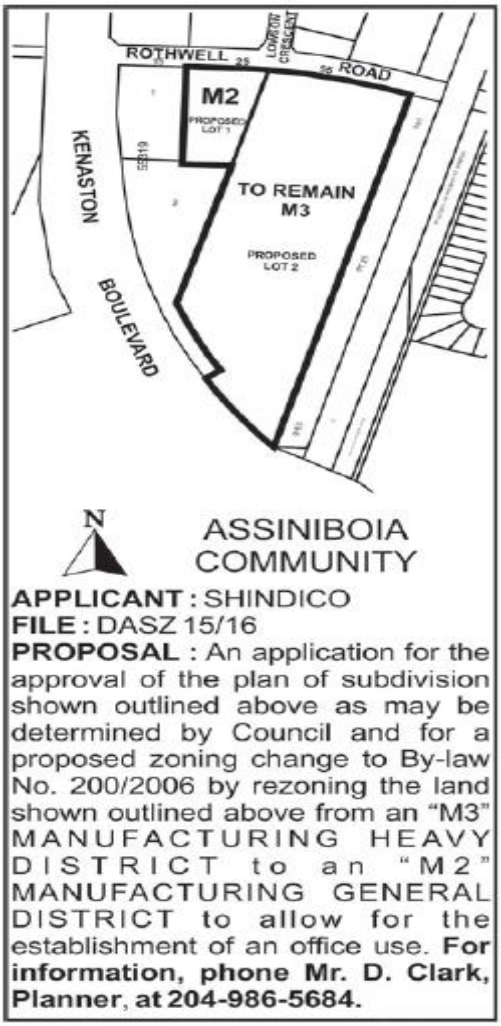
File: DASZ 15/2016

Before: Assiniboia Community Committee
Councillor Morantz, Chairperson
Councillor Dobson

Public Hearing: June 7, 2016
Council Building, 510 Main Street

Applicant: Shindico Realty Inc.
(John C. Pearson)

Subject:



Premises Affected: 25 and 55 Rothwell Road

Exhibits Filed:

1. Application dated April 8, 2016
2. Notification of Public Hearing dated April 26, 2016
3. Manitoba Status of Title 2706303/1
4. Letter of authorization dated March 15, 2016 from Wayne Hekle, Rothwell Development Corporation to John Pearson, Shindico Realty Inc. / ICI Properties
5. Surveyor's Building Location Certificate and sketch dated March 24, 2016
6. Zoning Development Information
7. Caveat 4450750/1
8. Site Plan
9. Report from the Urban Planning Division dated May 20, 2016
10. Inspection Report
11. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:
John Pearson
Colin Hekle

In Opposition
Nil

For Information:
Nil

For the City:
Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 15/2016

ADMINISTRATIVE REPORT

Title: DASZ 15/2016 – 25 and 55 Rothwell Road

Issue: An application for consideration at the public hearing to subdivide the land to create two lots and rezone one of the lots to the "M2" Manufacturing General District.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 15/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2016 dated May 20, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2016 dated May 20, 2016 to an "M2" Manufacturing General District, subject to the following:

   B. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

      ii. That for the development of any building and/or accessory parking area, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, lighting, landscaping, bicycle parking and free-standing signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

12. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the property at 25 and 55 Rothwell Road from "M3" Manufacturing Heavy District to the "M2" Manufacturing General District for the purpose of maintaining an office use in an existing building.
- Subdivision and Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be subdivided into two lots and Lot 1 will be rezoned from "M3" Manufacturing Heavy District to the "M2" Manufacturing General District. Lot 2 will remain zoned as "M3."

HISTORY

DASZ 34/2011 – On January 25, 2012, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 34/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2011 dated November 29, 2011 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 26, 2011.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 34/2011 dated November 29, 2011, to an "M2" Manufacturing General district subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, lighting, fencing, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community

Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting).

iii. Prior to the issuance of any building or development permit, the Developer shall enter into and register against all titles to the subject land, by way of caveat or master or declaratory easement, private cross-access agreements which will ensure vehicular access to proposed lots 1 and 2 at all times via internal roads. The Developer must submit the agreements to the City Solicitor for approval prior to execution. Such registration shall be maintained in perpetuity, shall not be amended without the prior written consent of the City, and shall be binding on the Developer and all successors in title to the subject land.

iv. That there shall be no mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and Aboard signs on the entire site.

DAV 115253/2016C – On May 4th, 2016, the Board of Adjustment approved a variance for a temporary change of use for a period not to exceed five (5) years to permit the establishment of an office use on Proposed Lot 1.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Devin Clark
Date:	May 20, 2016
File No.	DASZ 15/2016

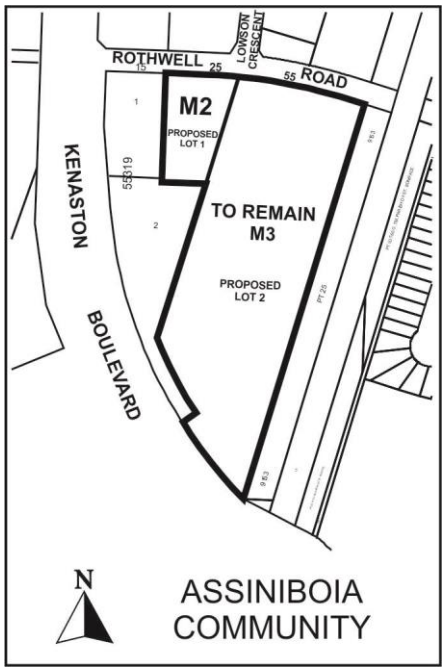
APPENDIX 'A'

DATE: May 20, 2016
FILE: **DASZ 15/2016**
RELATED FILES:
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.668

SUBJECT: To subdivide the property into two lots and rezone one lot to the "M2" Manufacturing General District.

LOCATION: 25 and 55 Rothwell

LEGAL DESCRIPTION: LOT 3 PLAN 55319 WLTO IN OTM LOTS 60/63 PARISH OF ST. BONIFACE



APPLICANT: Shindico (John Pearson)
200-1355 Taylor Avenue
WINNIPEG MB R3M 3Y9

OWNER(s): Rothwell Development Corporation
25 Rothwell Road
WINNIPEG MB R3P 2M5

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

The subject property is located on Rothwell RD, in the Tuxedo Industrial neighbourhood of the Charleswood - Tuxedo - Whyte Ridge ward

The site is with the General Manufacturing Policy Area under the Complete Communities Direction Strategy.

The property is currently 14.3 acres and has an office building and trucking/storage warehouse on site. The property is zoned M3.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Industrial uses zoned “M3” Heavy Manufacturing

South: Kenaston Blvd. then un-zoned vacant land.

East: CNR rail line then single family residential zoned “R1-M” Residential Single Family – Medium.

West: Commercial and manufacturing uses zoned “M2” Manufacturing General.

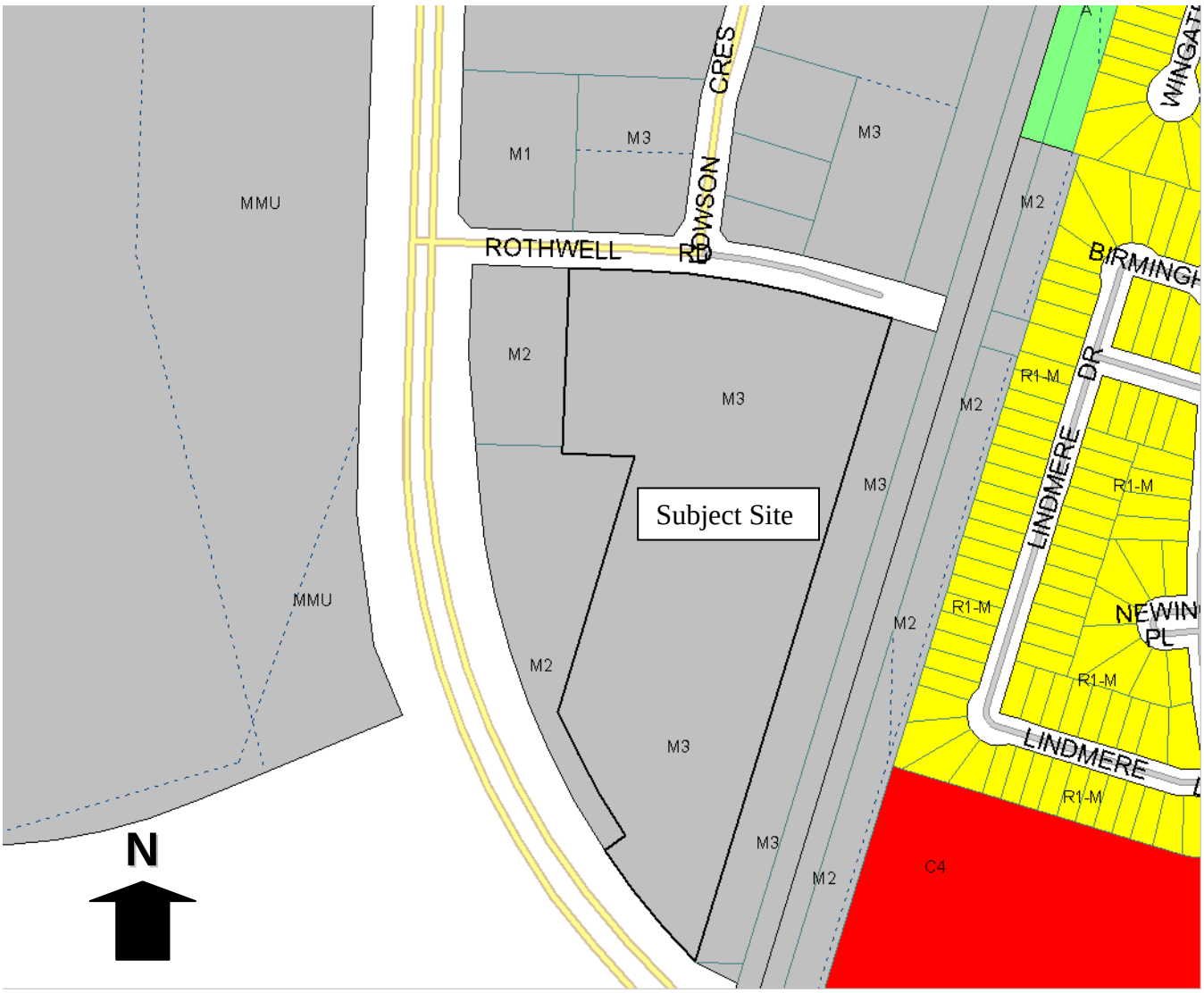


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide and rezone the subject property into two lots. Proposed Lot 1 would be rezoned to the “M2” zoning district and have an approximate lot area of 1.8 acres. Proposed Lot 2 would remain zoned as “M3” and would have a lot area of 12.5 acres.

- The intent is to modify the internal layout of the existing office building on site in order to accommodate new tenants.

- The applicant has indicated that external modifications and site layout changes are not proposed.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The site is located within the Employment Lands – Manufacturing Specific policy area in the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Employment Lands include:
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.
    - Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary.
    - Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.
    - Consider the quality of lands required to support employment growth and encourage a suitable range and mix of features and uses that will best match the emerging needs of Winnipeg's current and future employers.
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.
    - Provide street trees, landscaping, fencing, and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of lane uses, including public rights or way.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

The subject land is currently zoned "M3" Manufacturing Heavy. An office use is permitted in the "M3" district as an accessory use but not as a principal use. Office use is permitted in the "M2" zoning district as a principal use.

M2 – Manufacturing General Zoning District

The Manufacturing General (M2) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

Dimensional standards prescribed under Zoning By-law 200/2006 for the M2 zoning district are as follows:

- Minimum front yard – 25 feet
- Minimum rear yard – 0 feet
- Minimum interior side yard – 0 feet
- Minimum corner side yard – 15 feet
- Maximum height of building – 100 feet
- Maximum floor area ratio – 2.0

LAND USE BY-LAW

Rezoning

- The land is currently zoned "M3" Manufacturing Heavy and only permits office uses as an accessory use to a principal warehouse or manufacturing use. Office use is however permitted in the "M2" district as a principal use and is the reason the applicant has submitted an application to subdivide the land and rezone the portion of the land containing the existing office building.

- The office building is currently being used in a similar manner to what is proposed. No changes are proposed to the exterior. The only proposed modifications are within the interior of the building to accommodate the new tenant's needs.

- The surrounding area has been transitioning away from the heavy manufacturing zoning district over the last several years in order to accommodate less intensive manufacturing and commercial operations. The conversion of the subject site to the "M2" district is consistent with this transition.

Subdivision

- The subdivision application has been made in order to create 2 lots. Lot 1 is to be approximately 1.8 acres and is where the existing office building is located. Lot 2 is to be approximately 12.5 acres and is where the existing warehouse use is. The lot sizes are consistent and compatible with other properties in the area.

Temporary Change of Use Variance

- On May 4th, 2016, the Board of Adjustment approved a variance (DAV 16-115253C) on the subject property to allow a temporary change of use.
- The purpose of this variance is to allow for a change of land use (from accessory office to principal office use) on a temporary basis in order to accommodate new tenants within the existing office building in advance of the subdivision and rezoning application (DASZ15/16) being finalized.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site is located in the General Employment Land – Manufacturing Specific policy area of the Complete Communities Direction Strategy. General policies guiding development in this area encourage growth, a suitable range of mixed-features and uses that will best match the emerging needs of Winnipeg's current and future employers.
- The office use currently exists on site as a permitted accessory use in the "M3" zoning district. The change in zoning district from "M3" to "M2" allows for the office to operate as a permitted principal use.
- The maintenance of the existing office use is deemed to be compatible with the surrounding neighbourhood.

PLAN APPROVAL CONDITION

The Urban Planning Division is recommending Plan Approval as a condition of approval for this application. As part of the plan approval condition the Urban Planning Division expects the following:

- Building location and elevations – If any new building is established on the land, plans showing the location of the building and elevations with colour renderings should be provided as part of the plan approval package.
- Landscaping – Policies for development within General Manufacturing areas encourage the introduction of street trees, landscaping, fencing and other architectural features that improve the aesthetics of the area. Plans should indicate location, quantities and species of landscaping on site.
- Garbage bins and enclosures should be located on site in a manner that is accessible for waste collection. The garbage enclosures should be constructed of wood, brick, stone, or another compatible material, and should be sufficiently screened and not visible from the public street.
- Lighting – any lighting on site should not provide glare or spill over onto any adjacent property. Plans shall include location and design of light standards.
- Fencing - Any proposed fencing should be constructed of high quality materials and design. Details shall be submitted with the plan approval package.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The application is consistent with policies in the Complete Communities Direction Strategy for land located with the General Manufacturing Policy Area.
- The proposed rezoning allows for the office use to continue its operation as of right once the temporary change of use variance expires.
- The area has been gradually transitioning away from heavy industrial uses.

- The proposed zoning district and use is consistent and compatible with the surrounding area.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Devin Clark
PPD File # DASZ 15/2016

APPENDIX "B"

Schedule "A" for File No. DASZ 15/2016, Assiniboia Community Committee, dated May 20, 2016

By-Law No. _____

File No. **DASZ 15/16**

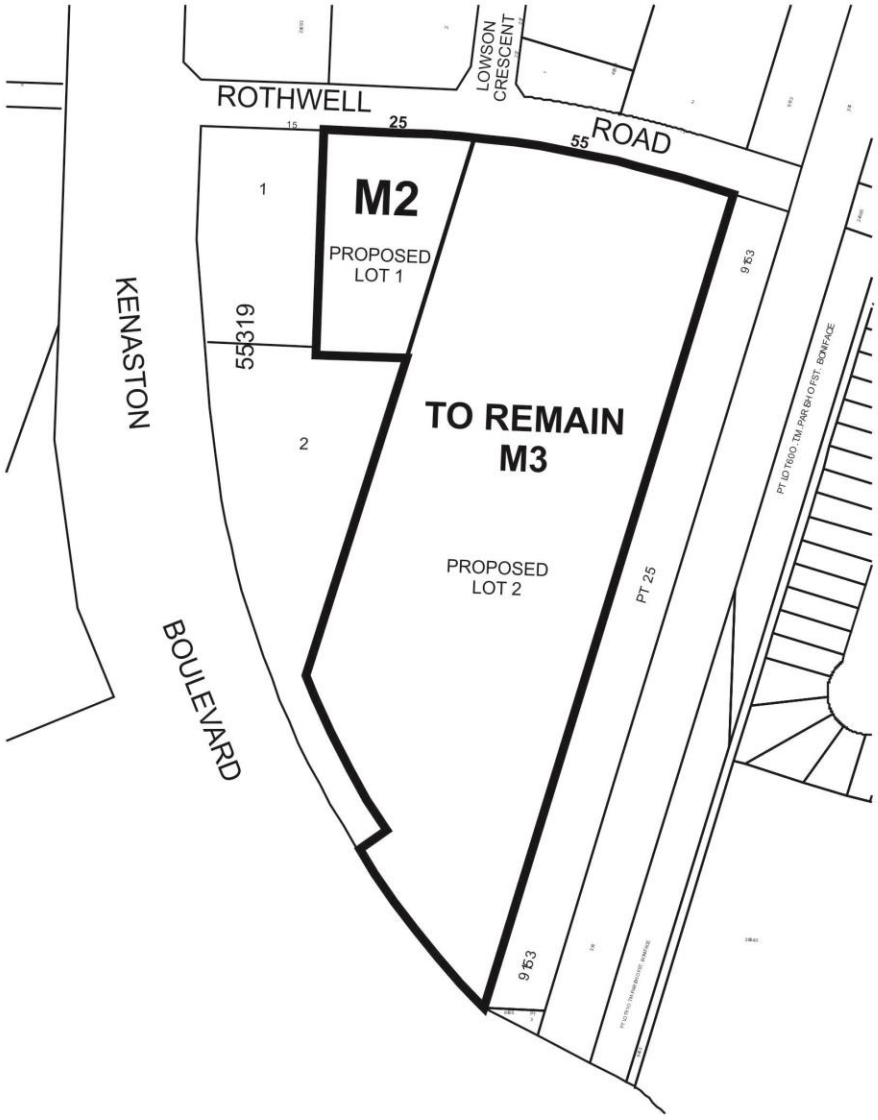
Atlas Sheet No.

N

AH20 ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 25 & 55 Rothwell Road from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the establishment of an office use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____